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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,489
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Joseph M. Butscher
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 24, 2010 ("Brief") appealing from the Office action mailed March 2, 2010 ("Final").

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Applicant Serial Number (10/675468) titled "MEDIA PROCESSING SYSTEM SUPPORTING PERSONAL ADVERTISEMENT CHANNEL AND ADVERTISEMENT INSERTION INTO BROADCAST MEDIA" contains similar claimed subject matter to the instant application.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-34, 37-39, and 42-44 are pending in the instant application, all of which have been finally rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,668,278 B1	Yen et al.	12-2003
6,839,072 B2	Trajkovic et al.	01-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-32, 34, 37, 39, 42, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Yen et al., United States Patent (6,668,278 B1), hereinafter "Yen".

In reference to Claim 1, Yen teaches a method for providing information related to a broadcast television program (generally shown in State Diagram of Fig. 2, as introduced in Col. 12 Lines 50-58), the method comprising:

generating an announcement, remotely from a user's home, (additional information from broadcast television provider, internet service, or intranet service, as described in Col. 4 Line 65—Col. 5 Line 65; with further reference to Col. 6 Lines 35-44, Col. 7 Line 25—Col. 8 Line 33, Col. 13 Lines 7-19);

delivering said announcement along with the broadcast television program for display on a television screen within the home (Background Element 121 receives and identifies information which is likely to be interesting to the recipient for display on Output Device 131 of Fig. 1, as described in Col. 6 Lines 1-9, Col. 7 Lines 25-40),

wherein said user decides if and when said announcement should be received (recipient can set an alert threshold responsive to exogenous factors such as a day of the week or a time of day, as described in Col. 12 Lines 7-46),

wherein said user chooses when to view said announcement (recipient can set an alert threshold responsive to exogenous factors such as a day of the week or a time of day, as described in Col. 12 Lines 7-46),

wherein the announcement is displayed on the television screen (Foreground Element 122 presents an indicator for the item, as described in Col. 6 Lines 14-19, Col. 11 Line 58—Col. 12 Line 2), said announcement is independent of media content that is being displayed on said television screen at the time of said announcement (Foreground Element 122 can determine which information items can or should be displayed to the recipient, as described in Col. 9 Lines 27-50), and said announcement is delivered based on a profile of said user (set of preferences for the recipient, as described in Col. 9 Lines 53-60; with further reference to Col. 11 Lines 42-57 and Col. 13 Lines 38-58); and

receiving an input from the user that corresponds to the delivered announcement (Foreground Element 122 can request confirmation from the recipient, and if confirmed, immediately begin displaying the information item, as described in Col. 11 Lines 46-49).

In reference to Claim 2, Yen teaches the method according to Claim 1, wherein the announcement comprises one or more of a service announcement, a media announcement, and/or a data announcement (media announcements, such as important news items as described in Col. 13 Lines 7-19; with further reference to Col. 4 Line 65—Col. 5 Line 65).

In reference to Claim 3, Yen teaches the method according to Claim 1, comprising determining whether the received input one of accepts or rejects the delivered announcement (Foreground Element 122 can make several actions once the information item is received, such as request confirmation from the recipient, as described in Col. 11 Lines 42-57).

In reference to Claim 4, Yen teaches the method according to Claim 3, comprising, if the received input selection accepts the delivered announcement, transferring media associated with the delivered announcement for display on the television screen (if confirmed, Foreground Element 122 begins displaying the information item, as described in Col. 11 Lines 46-49).

In reference to Claim 5, Yen teaches the method according to Claim 4, comprising transferring the media concurrently with viewing of the broadcast television program (Background Element 121 is continuously operational to control the Information Receivers 110 and to receive and process information therefrom, as disclosed in Col. 6 Lines 7-9).

In reference to Claim 6, Yen teaches the method according to Claim 1, comprising if the received input comprises an acceptance of the delivered announcement and the delivered announcement comprises a service announcement, delivering service information related to the service announcement to the user within the

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home (electronic mail messages, as described in Col. 6 Lines 35-45; with further reference to Col. 4 Line 65—Col. 5 Line 65 and Col. 13 Lines 7-19).

In reference to Claim 7, Yen teaches the method according to Claim 1, wherein the input is generated from one or more of a remote control, a keyboard, a scanning device, and/or an audio processing device (Input Device 132, such as a television remote control, as described in Col. 6 Lines 45-51).

In reference to Claim 8, Yen teaches the method according to Claim 1, comprising generating supplemental information related to the announcement in response to the received input (information items are displayed following confirmation as described in Col. 11 Lines 46-49 and Col. 9 Lines 13-50).

In reference to Claim 9, Yen teaches the method according to Claim 8 comprising presenting the supplemental information to the user (display of information items, as described in Col. 9 Lines 13-50).

In reference to Claim 10, Yen teaches the method according to Claim 8, comprising presenting on the television screen, the supplemental information to the user concurrently with the broadcast television program (Foreground Element 122 can enter active mode for presentation of information items in an unobtrusive location, as

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described in Col. 11 Line 61—Col. 12 Line 2; with further reference to Col. 9 Lines 13-50 and Col. 13 Lines 59-67).

In reference to Claim 32, Yen teaches the method according to Claim 1, wherein said user profile is established by said user (recipient's preferences are responsive to being set explicitly by the recipient, as described in Col. 10 Lines 15-20).

In reference to Claim 34, Yen teaches the method according to Claim 1, comprising receiving said announcement based on interaction of said user (recipient's preferences are responsive to being set implicitly by the recipient, such as based on viewing habits, as described in Col. 10 Lines 21-25).

In reference to Claim 11, Yen teaches a machine-readable storage having stored thereon, a computer program having at least one coded section for providing information related to a broadcast television program, the at least one coded section being executable by a machine (Information Receiver 110 in conjunction with Multiplexer 120, as described in Col. 4 Lines 26-64) for causing the machine to perform the method of Claim 1 (as addressed above).

The limitations of Claim 12 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 2.

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The limitations of Claim 13 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 3.

The limitations of Claim 14 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 4.

The limitations of Claim 15 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 5.

The limitations of Claim 16 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 6.

The limitations of Claim 17 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 7.

The limitations of Claim 18 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 8.

The limitations of Claim 19 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 9.

The limitations of Claim 20 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 10.

The limitations of Claim 37 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 32.

The limitations of Claim 39 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 34.

In reference to Claim 21, Shoff teaches a system for providing information related to a broadcast television program (as shown in Fig. 1 and described in Col. 4 Line 23—Col. 7 Line 22), the system comprising: at least one processor (processor as part of Multiplexer 120, as described in Col. 4 Line 23-34) that performs the method of Claim 1 (as addressed above).

The limitations of Claim 22 have been addressed with reference to the system of Claim 21 and the method of Claim 2.

The limitations of Claim 23 have been addressed with reference to the system of Claim 21 and the method of Claim 3.

The limitations of Claim 24 have been addressed with reference to the system of Claim 21 and the method of Claim 4.

The limitations of Claim 25 have been addressed with reference to the system of Claim 21 and the method of Claim 5.

The limitations of Claim 26 have been addressed with reference to the system of Claim 21 and the method of Claim 6.

The limitations of Claim 27 have been addressed with reference to the system of Claim 21 and the method of Claim 7.

The limitations of Claim 28 have been addressed with reference to the system of Claim 21 and the method of Claim 8.

The limitations of Claim 29 have been addressed with reference to the system of Claim 21 and the method of Claim 9.

The limitations of Claim 30 have been addressed with reference to the system of Claim 21 and the method of Claim 10.

In reference to Claim 31, Yen teaches the system according to Claim 21, wherein the at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, media exchange software processor, and/or a media peripheral processor (computer processor, as described in Col. 4 Lines 23-34).

The limitations of Claim 42 have been addressed with reference to the system of Claim 21 and the method of Claim 32.

The limitations of Claim 44 have been addressed with reference to the system of Claim 21 and the method of Claim 34.

Claims 33, 38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of Trajkovic et al, United States Patent (6,839,072 B2), hereinafter "Trajkovic".

In regards to Claim 33, Yen teaches the method according to Claim 1, however does not explicitly disclose wherein said user profile is a default user profile assigned to said user.

In a similar field of invention, Trajkovic teaches a method and system for organizing data related to television programs according to the preferences of a user

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(Abstract). Trajkovic additionally teaches that a default user profile can be assigned to the user (Col. 3 Lines 49-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yen's teachings of delivering announcements based on a user profile to include a default user profile, as taught by Trajkovic, so that if a user does not have a profile one may be provided (as Trajkovic discusses in Col. 3 Lines 49-61).

The limitations of Claim 38 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 33.

The limitations of Claim 43 have been addressed with reference to the system of Claim 21 and the method of Claim 33.

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed. Only those arguments having been raised are being considered and addressed in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued or any other reasoning regarding deficiencies in a prima facie case of obviousness that the Appellant could have made are considered by the Examiner as having been conceded by the Appellant for the basis of the decision of this appeal. They are not being addressed by the Examiner for the Board's consideration. Should the panel find that the Examiner's position/arguments or any aspect of the rejection is not

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sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the Examiner for further explanation prior to the rendering of a decision.¹

Response to Argument that Yen does not Anticipate Claims 1-32, 34, 37, 39, and 42.

Appellant presents (Brief Pages 7-9) that Yen does not describe, teach, or suggest the Claim 1 limitation “wherein said user decides if and when said announcement should be received, wherein said user chooses when to view said announcement” (Brief bottom of Page 7) because, within the teachings of Yen, “the exogenous factors relate to viewing the alerted item, but there is nothing in Yen that describes that a user determines if and when an announcement is received, in contrast to being viewed” (Brief bottom of Page 8; emphasis added by Appellant). Appellant further presents that “Yen does not describe, teach or suggest that a user decides if and when an alert should be received, and when to view the alert” (Brief top of Page 9; emphasis added by Appellant). The Examiner respectfully disagrees.

The Examiner initially submits the following definition of “receive” in order to demonstrate a broadest reasonable interpretation of the term:

receive:

3. To hear or see

6. To convert incoming electromagnetic waves into visible or audible signals
(The American Heritage Dictionary, 4th ed. 2001).

¹ See 37 CFR 41.50(a)(1) and MPEP 1211.

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From the above definition, it is the Examiner's position that an act of viewing is within the scope of an act of receiving, such that Yen's teaching of "viewing the alerted item" also addresses an act of receiving an alerted item. Additionally, it is the Examiner's position that the concept of receiving, as claimed, does not preclude an act of viewing. For example, as claimed, the act of receiving an alert could be accomplished when a user views the announcement on a display device.

The Examiner has previously presented (Final Office Action mailed March 2, 2010 ("Final") top of Page 5) that Yen teaches "wherein said user decides if and when said announcement should be received" by way of allowing a recipient to set an alert threshold responsive to exogenous factors such as a day of the week or a time of day (as Yen discusses in Col. 12 Lines 7-46; with excerpts presented by Appellant on Page 8 of Brief). Examiner notes that Yen states that the alert threshold is responsive to "[b]eing set explicitly by the recipient. The recipient can specify separate threshold responsive preference factors and exogenous factors described just below" (Col. 12 Lines 3-11 and as cited by Appellant on Page 8 of Brief). Yen later states that the alert threshold is responsive to "[b]eing set implicitly responsive to exogenous factors, including a day of the week, a time of day..." (Col. 12 Lines 27-31 and as cited by Appellant on Page 8 of Brief). The Examiner acknowledges Yen's use of "implicitly responsive" in Col. 12 Lines 27-31, however this is the first time after Yen states "described just below" (Col. 12 Lines 9-11) that "exogenous factors" are mentioned. Therefore, it is the Examiner's position that the exogenous factors described in Col. 12

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Lines 27-31 are what Yen is referring to in stating “described just below” in Col. 12 Lines 9-11).

From the above cited sections of Yen (Col. 12 Lines 3-11 and Col. 12 Lines 27-31), it is the Examiner’s position that a recipient can explicitly specify an alert threshold based on factors such as the day of the week and the time of day, such that an alert is only displayed responsive to exogenous factors within the alert threshold. The Examiner additionally notes that Foreground Element 122 of Yen can “request confirmation from the recipient, and if confirmed, immediately begin display the information item” or “add the information item to a set of information items” (Col. 11 Lines 42-57). Therefore, the Examiner maintains that Yen teaches “wherein said user decides if and when said user announcement should be received, wherein said user chooses when to view said announcement” as required by Claim 1.

Appellant provides no additional substantive arguments (Brief Pages 9-10) with respect to Claim 11 beyond those address above, therefore the Examiner maintains that Yen teaches the limitations of Claim 11.

Appellant provides no additional substantive arguments (Brief Pages 10) with respect to Claim 21 beyond those address above, therefore the Examiner maintains that Yen teaches these claim limitations. Additionally, the Examiner acknowledges that the reference to “Shoff” (Final Page 10) in addressing Claim 21 is in fact a typographical error.

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Response to The Proposed Combination of Yen and Trajkovic does not Render
Claims 33, 38, and 43 Unpatentable.

Appellant provides no additional substantive arguments (Brief Page 11) with respect to Claims 33, 38, and 43 beyond those address above, therefore the Examiner maintains that the combination of Yen and Trajkovic teach these claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Patrick A Ryan/
Examiner, Art Unit 2427

Conferees:

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/Jason P Salce/
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